



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

PO BOX 716
TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **08595-20 V.T.**

AGENCY DKT. NO. **C087089015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denials of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits in June 2020, contending that she failed to provide required documentation, and denied Petitioner EA benefits in August 2020, and imposed a six-month EA ineligibility penalty, contending that she failed to provide required documentation, and had the available funds to resolve her homelessness, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 17, 2020, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

Also on September 17, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner first applied for EA benefits in May 2020, and was required to provide the Agency with documentation necessary to determine her eligibility for said benefits. See Initial Decision at 2-3; see also Exhibits R-1, R-2. However, Petitioner failed to provide the required documentation, and on June 26, 2020, the Agency denied EA benefits to Petitioner. See Initial at 3-4; see also Exhibit R-6, and N.J.A.C. 10:90-2.2(a)(5), -6.1. The ALJ found that Petitioner had failed to provide such documentation, and therefore, concluded that the Agency's June 26, 2020, denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-6. I agree.

Thereafter, in August 2020, Petitioner again applied for EA benefits, but was denied said benefits by the Agency because she had received a lump sum Supplemental Security Income (SSI) payment in July 2020, in the amount of \$2,349 and a monthly SSI benefits payment of \$783, and the Agency had determined that she had sufficient income at that time to pay for her own housing, but failed to do so. See Initial Decision at 4; see also Exhibits R-10, R-11, R-12, and N.J.A.C. 10:90-6.1(c)(3)(v). The ALJ found that Petitioner had the ability to find affordable housing within her income limits, but failed to do so, without good cause, and therefore, concluded that the Agency's August 24, 2020, denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-12. I agree. However, the ALJ also found that, although Petitioner could currently provide for her own accommodations from her lump sum SSI payment, those funds would shortly be exhausted, and



at that time, she may be in need of housing assistance. See Initial Decision at 4. As such, the ALJ recommended that no six-month EA ineligibility penalty be imposed upon Petitioner. Ibid. In keeping with Division of Family Development (“DFD”) COVID-19 protocol regarding the imposition of six-month EA ineligibility penalties, I agree with the ALJ, and direct that no six-month EA ineligibility penalty be imposed upon Petitioner. Ibid.; see also DFD Instruction No. 20-07-03.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, DFD, Department of Human Services, I have considered the ALJ’s Initial Decision, and following an independent review of the record, I concur with the ALJ’s final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, as it appears from the record that Petitioner may soon no longer have the funds available to resolve her emergent situation, and because I concurred with the ALJ’s conclusion that no six-month EA ineligibility penalty shall be imposed, Petitioner is advised that she may re-apply for EA benefits. See Initial Decision at 4-5. Petitioner is further advised that, if she reapplies for EA benefits, she must provide the Agency with all requested documentation required to determine her EA benefits eligibility. See N.J.A.C. 10:90-2.2(a)(5).

By way of further comment, Petitioner is reminded of her responsibility to obtain affordable housing. See Initial Decision at 5.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency’s denials of EA benefits are AFFIRMED, but no six-month EA ineligibility penalty shall be imposed.

Officially approved final version.

SEP 29 2020

Natasha Johnson
Assistant Commissioner

